

REMARKS

Reconsideration of the above-identified application is respectfully requested.

Previous claims 1-16 have been deleted and new claims 17-32 have been added to the application. Payment of additional fees is not necessary. No new matter is being added to the application. Principle support for the new claims is found on page 2, lines 3-8, lines 25-35 and throughout the specification.

Previous claims 1-16 have been rejected under 35 USC 103 (a) as being unpatentable under the Donzis et al. reference in view of the Engstad et al. reference. The Examiner believes that the Donzis et al. reference discloses the use of insoluble β -(1,3)-glucans with the particle size 1000 nm or less for the treatment of skin. The additional reference, Engstad et al., discloses water soluble β -(1,3)-glucans without describing a specific particle size. The Examiner believes it would be obvious to one skilled in the art to combine the particles of Donzis et al. with the teachings of Engstad et al. in order to incorporate glucans into cosmetic preparations. The Engstad et al. reference is read by the Examiner in the context of the term "particles" and not in the context of the term "nanoparticles". The term "particles" in Engstad et al. refers to semi-intact cell walls of the extracted yeast cells. They are generally referred to as "cell ghosts" and are typically 1 to 4 micrometers in diameter. Further, the Donzis et al. reference explicitly states that the glucan particles used therein should preferably be as small as possible. This disclosure indicates that the dissolved non-particulate glucans will be the preferred form of the glucans. In contrast, the currently claimed invention is related to administering water-soluble glucans which are substantially free from β -(1,6) linkages in nanoparticulate form. Therefore, the Donzis et al. reference and the

Engstad et al. reference taken alone or in combination do not teach or suggest the nanoparticulate particles of water-soluble β -(1,3)-glucans being applied to skin or hair.

More importantly, the presently claimed invention provides a novel form of water-soluble glucans in a very efficient method of applying the glucans for resorption into the skin or hair.

In the outstanding Office Action, a rejection of double patenting was made for previous claims 2-7 and 11-16. Since these claims have been deleted, the rejection should be withdrawn.

Previous claims 1-16 were rejected under 35 USC §112, second paragraph as being indefinite. Since the claims have been deleted, this rejection should also be withdrawn.

The topical application of a fine dispersion of nanoparticulate particles of the presently claimed invention efficiently penetrates both the stratum corneum of the skin and the keratin fibers of the hair in a facile manner when compared to conventional glucans. Clearly, the presently claimed invention has innumerable uses and is clearly divergent from the teachings of the prior art.

In view of the amended claims and the comments made herein, Applicants submit the claims meet the requirements of 35 United States Code. Therefore, an early Notice of Allowance of the present claims is respectfully requested.

Respectfully submitted,

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